

## REMARKS

### *Oath/Declaration*

The Examiner has requested a new Oath or Declaration because “It does not state that the person making the oath or declaration in a continuation - in - part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of the continuation - in - part application.”

A new Oath or Declaration is enclosed in accordance with the Examiner’s suggestion. Please note that not all of the inventors were available for signature prior to the submission of this amendment, Applicant will forward the remaining signatures as soon as they are received.

### *Specification*

The Examiner has objected to the specification because of the following informalities: On page 30 (The Examiner indicated page 34), line 21, applicant states that reference number 130 is shown on Figure 15. However, reference number 130 is not shown on Figure 15 it is shown on Figure 14. Applicant has corrected the specification in accordance with the Examiner’s suggestion.

The Examiner has indicated that the first page of the specification should be updated to clarify the status of all related applications noted in the first paragraph of the specification. Application has updated the specification in accordance with the Examiner’s suggestion.

### *Drawings*

The Examiner has objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference number 230 referenced on page 34, line 21; and reference numbers 244 and 246 referenced on page 37, line 12 – page 38 line 5.

With regard to reference number 230 referenced on page 34, line 21, original reference number 30 of Figs. 18 and 19 should have been referencing number 230 instead of 30. The newly proposed Figs. 18 and 19 have changed original reference number 30 to new reference number 230, so that the drawings now do correlate with the specification.

With regard to reference numbers 244 and 246 referenced on page 37, line 12 – page 38 line 5, original reference numbers 44 and 46 of Figs. 18 and 19 should have been referencing numbers 244 and 246 instead of number 44 and 46. The newly proposed Figs. 18 and 19 have changed original reference numbers 44 and 46 to new reference number 230, so that the drawings do correlate with the specification.

The Examiner has also objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they include reference numbers 44 and 48 as shown on Figure 17, and reference numbers 30, 44 and 46 shown on Figures 18 and 19, but the reference signs are not referenced in the description.

With regard to Figures 17-19, original reference numerals 30, 44, 46 and 48 as there shown should have been reference numerals 230, 244, 246 and 248, as the revised drawings now show, correlating with the description in the specification, such as at page 34, line 17 – page 37, line 28.

Proposed drawing corrections to Figures 17-19 are submitted herewith in accordance with the Examiner's objections.

#### ***Claim Rejections 35 USC § 102***

The Examiner has rejected claims 1, 2, 5, 7, 8, 10, 12 & 18 under 35 U.S.C. § 102(b) as being anticipated by Goldhaber et al. (5,269,946). Independent claim 1 has been amended to specify that red blood cells and platelets are removed from the second component by the filter.

With respect to Goldhaber, Goldhaber does anticipate independent claims 1, because Goldhaber does not filter red blood cells and platelets from a second component comprising plasma. Instead, the filter of Goldhaber purposely allows red blood cells passage through the separation device 40. *See* Goldhaber, Col. 5, lines 34-37, Col. 6 lines 23-26.

Goldhaber does not anticipate amended claim 1 (and dependent claims 2, 5, 7, 8, 10, 12 & 18) because Goldhaber does not possess all of the claimed elements of the amended claims.

#### ***Claim Rejections 35 USC § 103***

The Examiner has rejected claims 3, 6, 13, 16 & 17 under 35 U.S.C. § 103(a) as being unpatenable over Goldhaber et al. (5,269,946) in view of Pall et al (5,217,627).

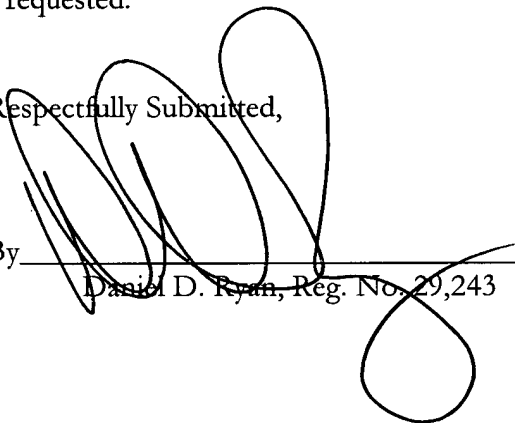
As previously mentioned with respect to Goldhaber, Goldhaber does not filter red blood cells and platelets from a second component comprising plasma. Neither does Pall filter red blood cells and platelets from a second component comprising plasma, as Pall never filters plasma.

Goldhaber in combination with Pall cannot render the present invention obvious because neither filter red blood cells and platelets from a second component comprising plasma.

Allowance of claims 1-19 is respectfully requested.

Respectfully Submitted,

By

  
Daniel D. Ryan, Reg. No. 29,243

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

2 February, 2004

f:\docs\clients\baxter\f-5800 (pas)\040120 amendment b.doc

Enclosures:   Amendment Transmittal Letter  
                  Return Postcard  
                  Amended Drawings (Figures 17-19)  
                  Oath/Declaration